

JAMES E. EATON.

JUNE 25, 1898.—Ordered to be printed.

Mr. GALLINGER, from the Committee on Pensions, submitted the following

REPORT.

[To accompany H. R. 2497.]

The Committee on Pensions, to whom was referred the bill (H. R. 2497) granting a pension to James E. Eaton, have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives is as follows:

This bill proposes to increase from \$12 to \$24 per month the pension of James E. Eaton, of Stockton, Cal., who served from November 16, 1861, to November 21, 1864, and was honorably discharged.

The records show him to have been treated while in service for remittent fever from May 30 to June 4, 1862; for acute bronchitis from September 15 to 20, 1863, and for diarrhea, with some symptoms of fever, from June 21 to July 2, 1864.

He filed a declaration under the general law March 6, 1888, alleging that at Port Royal, S. C., in July, 1864, he contracted malarial fever, since which he has never been a well man.

In an affidavit filed May 7, 1888, he alleged that in September, 1882, he was attacked with hemorrhages from the lungs, which his physician attributed to his exposure to malaria in service. From this attack he was confined to his bed over three years. While suffering from hemorrhages a fistula developed. * * *

In an affidavit filed September 13, 1889, he alleges that it is his belief that his long years of suffering is directly traceable to the malarial poisoning. He also declared that he has been sick at intervals ever since his discharge with head trouble, nausea, and recurrent fever; that on September 23, 1882, he was attacked with hemorrhages, and was confined to his bed over three years.

July 14, 1890, he filed a claim under the act of June 27, 1890, for malarial poisoning, consumption, and fistula in ano. This claim was allowed in January, 1891, and he was pensioned for alleged causes at \$12 per month from July 14, 1890, the date of filing.

In July, 1893, his claim under the general law was adjudicated, and he was pensioned at \$2 per month for malarial poisoning from March 6, 1888, date of filing, to July 13, 1890, when said pension terminated by reason of the commencement of his pension under act of June 27, 1890. At the time of allowance of malarial poisoning under the general law the medical referee said: "No special results; disease of lungs and fistula in ano not accepted as results," which seems perfectly correct.

When examined by the Sacramento, Cal., board February 22, 1893, the following was found:

"Spleen and liver normal, digestion quite active if he eats soft food; he has no teeth; lung expansion 1 inch; chest flat. There is dullness over upper lobe of right

lung, and absence of normal respiratory murmur over both lungs, with prolonged expiratory sounds. Respiration is harsh. The man is in advanced pulmonary phthisis, and his chills and fevers are probably hectic. He shows a deep furrow on left side of anus one-half inch from margin, running from before backward 2 inches long, where he has been operated on for fistulæ. There are two openings in this gutter, probably penetrating the rectum, but his physical condition will not justify a further exploration. He may have had malarial poisoning, and his present deplorable condition may have followed the malnutrition resulting from it, but the probabilities are strongly in favor of his present chills and fever being hectic from the absorption of septic matter in lung cavities. He is permanently and totally incapacitated for the performance of manual labor—twenty-four thirtieths for pulmonary consumption and six eightieths for fistula in ano. No other disability is found to exist."

The disabilities of this soldier are great, but not apparently of service origin, except in part.

In view of his condition and his service your committee favor an increase, and the bill is reported back with the recommendation that it pass.

It will be observed that the House report does not show that the soldier incurred any serious disability in the service. It was so slight that he was granted a pension of only \$2 per month under the general law. It seems therefore that the proposed increase to \$24 per month is excessive.

It will also be observed that the bill, as it passed the House of Representatives, failed to give the service of the seaman, and accordingly needs amendment in that regard.

Your committee recommend the passage of the bill after being amended as follows:

In line 4, after the word "Eaton," insert the words "late landsman on Princeton and Wissahickon, United States Navy, on the pension roll."

In line 5 strike out the words "upon the pension roll of the United States."

In line 6 strike out the word "twenty-four" and substitute the word "twenty."

Also amend the title of the bill so as to read: "An act granting an increase of pension to James E. Eaton."